

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SHELBY G. LEMMONS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

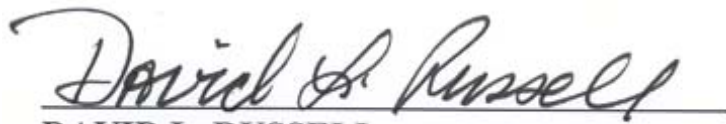
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Case No. CIV-10-99-R

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Doyle W. Argo entered November 4, 2010. Doc. No. 22. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation is ADOPTED in its entirety and Defendant's and Plaintiff's motions to transfer [Doc. Nos. 14 & 21] are GRANTED and this case is transferred to the United States District Court for the Eastern District of Kentucky. The Court defers ruling on Defendant's motion to dismiss [Doc. No. 12] so as to allow the transferee Court to consider it. The motion to dismiss for lack of subject matter jurisdiction filed by former Defendant JPATS [Doc. No. 13] is DENIED as moot in light of Plaintiff's voluntary dismissal of that Defendant.

IT IS SO ORDERED this 29th day of November, 2010.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE